

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH STALEY,

Plaintiff,

v.

Case No. 2:17-cv-13368

Hon. Victoria A. Roberts

TRACY SHAFFER,

Defendants.

**ORDER TRANSFERRING CIVIL RIGHTS COMPLAINT TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Kenneth Staley, a Michigan Prisoner currently residing at the Ionia Maximum Correctional Facility in Ionia, Michigan, filed this civil rights complaint pursuant to 42 U.S.C. § 1983. The complaint asserts that Defendant, a medical provider at his correctional facility, violated his constitutional rights by altering his medications. For the reasons stated below, the Court will transfer this matter to the Western District of Michigan for further proceedings.

The Defendant resides in Ionia County, Michigan. The events described in the complaint are alleged to have occurred in Ionia County. The proper venue for civil actions is in the judicial district where: (1) any defendant resides if all defendants reside in the same state; (2) a substantial part of the events or omissions giving rise to the claim occurred or a substantial part of the property in question is situated; or (3) any defendant may be found if there is no other district in which the plaintiff may bring the action. 28 U.S.C. § 1391(b).

“For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where the action might have been brought.” See *Weatherford v. Gluch*, 708 F. Supp. 818, 819 (E.D. Mich. 1988) (quoting 28 U.S.C. § 1404(a)).

Venue of a lawsuit may be transferred sua sponte for the convenience of parties or witnesses. See *Sadighi v. Daghighfekr*, 36 F. Supp. 2d 267, 278 (D.S.C. 1999).

The Court concludes that both for the convenience of the parties and witnesses, as well as in the interests of justice, the present matter must be transferred to the Western District of Michigan where the Defendant is located and the events in the complaint are alleged to have occurred.

Accordingly, the Court **ORDERS** the Clerk of the Court to transfer this case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. § 1404(a).

It is noted that this Court has not decided whether Plaintiff may proceed in this action in forma pauperis, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

IT IS SO ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts
United States District Judge

Dated: December 1, 2017

The undersigned certifies that a copy of this document was served on the attorneys of record and Kenneth Staley by electronic means or U.S. Mail on December 1, 2017.

s/Linda Vertriest

Deputy Clerk